

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

HOSSEIN SHARIFI

PETITIONER

v.

CIVIL ACTION NO. 5:20-cv-5-DCB-MTP

SHAWN R. GILLIS

RESPONDENT

Order

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 22]. Respondent filed no objections to the Report and Recommendation, and the deadline for filing such objections has passed. Having carefully reviewed the Report and Recommendation, the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 [ECF No. 1], the Respondent's opposition to the habeas petition [ECF No. 19], all other responsive submissions of the parties, applicable statutory and case law, and being otherwise fully informed of the premises, the Court finds the Report and Recommendation to be well taken.

On the particular facts of this case, the Court agrees with the Magistrate Judge's legal conclusion that the Government has not met its burden to show that continued detention is

authorized, [ECF No. 22 at 6], and with the Magistrate Judge's recommendation that the Petitioner should be deported or released with conditions appropriate to the release. Id.; Zadvydas v. Davis, 533 U.S. 678, 700 (2001) ("[T]he alien's release may and should be conditioned on any of the various forms of release that are appropriate in the circumstances, and the alien may no doubt be returned to custody upon a violation of those conditions."); see also Okwilagwe v. I.N.S., 2002 WL 356758 (N.D. Tex. Mar. 1, 2002) (granting writ of habeas corpus but setting conditions on alien's release).

Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [ECF No. 22] is ADOPTED in full.

IT IS FURTHER ORDERED that the U.S. Immigration and Customs Enforcement shall deport the Petitioner or release him, subject to appropriate conditions of supervision to be determined by the U.S. Immigration and Customs Enforcement, within thirty days of the date of this Order.

SO ORDERED this the 14th day of December, 2020.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE